



Council Reporter

City of Fairfax, Virginia 22030-3630

COUNCIL ACTIONS OF April 27, 2004

Consent items

- Approved, unanimously, the following consent agenda items: introduction of an ordinance adopting Supplement #4 to the Code of the City of Fairfax, Virginia (public hearing is May 11, 2004); introduction of an ordinance amending Section 66-13(f)(1), Article I, Chapter 66 of the Code of the City of Fairfax, Virginia concerning military leave (public hearing is May 11, 2004); introduction of an ordinance amending Chapter 90 of the Code of the City of Fairfax, Virginia, by adding a new Article XI to create the Fairfax Boulevard Business Improvement District (Service District) in the Lee Highway corridor (public hearing is May 25, 2004); introduction of an appropriation resolution in the amount of \$115,000 to construct a public safety equipment storage facility at Fire Station 33, 10101 Lee Highway (public hearing May 11, 2004); introduction of an appropriation resolution in the amount of \$30,000 for publication and mailing of a Bicentennial Timeline/Calendar (public hearing May 11, 2004); and, introduction of an appropriation resolution in the amount of \$21,700 for consultant services to develop a community center feasibility study on the John C. Wood and Van Dyck properties (public hearing May 11, 2004).

Actions

- Approved, 4-3, the request of The New School of Northern Virginia, Inc., for a variance to the requirements of Subdivision Code Section 86-8 to permit a subdivision of land without providing the required public improvements for Prince William Drive and dedication of right-of-way on Pickett Road for the property located at 9420-9497 Silver King Court for the following reasons:
 1. There are extraordinary circumstances wherein the application of the requirements of Chapter 86 of the City Code would result in peculiar and exceptional practical difficulties or hardship upon the owner of the property.
 2. The requested variance can be granted without substantially impairing the intent and purpose of Chapter 86 of the City Code.

(Councilmembers Lyon, Rasmussen and Silverthorne voted against the motion.)

- Approved, 4-3, the request of The New School of Northern Virginia, Inc., for a variance to the requirements of City Code Section 110-258 and Section 110-259 for transitional and parking lot landscaping as shown on the amended General Development Plan dated October, 2003 and revised through April 5, 2004 and Preliminary Site Plan dated January 30, 2004 and revised through March 11, 2004, for the property located at 9420-9497 Silver King Court for the following reasons:

1. There are extraordinary circumstances wherein the application of the requirements of Chapter 110 of the City Code would result in peculiar and exceptional practical difficulties or hardship upon the owner of the property.
2. The requested variance can be granted without substantially impairing the intent and purpose of Chapter 110 of the City Code.

(Councilmembers Lyon, Rasmussen and Silverthorne voted against the motion.)

- Approved, 4-3, the request of The New School of Northern Virginia, Inc., for a subdivision of land to create parcels 1A, 1B and 1C as shown on the preliminary subdivision plat dated February 5, 2004 and final subdivision plat dated August 1, 2003, for the property located at 9420-9497 Silver King Court, subject to the city attorney's review and approval of the preliminary easement documents and maintenance agreements for the subject site.

(Councilmembers Lyon, Rasmussen and Silverthorne voted against the motion.)

- Approved, 4-3, an ordinance, by the request of The New School of Northern Virginia, Inc., approving an amendment to the existing General Development Plan and Preliminary Site Plan to include parcels 1A, 1B and 1C and revisions to the site layout for parcel 1B as shown on the amended General Development Plan dated October, 2003 and revised through April 5, 2004 and Preliminary Site Plan dated January 30, 2004 and revised through March 11, 2004, for the property located at 9420-9497 Silver King Court, subject to the following conditions:

1. The applicant shall revise the Preliminary Site Plan to provide one-way traffic circulation for the school addition that eliminates the potential for conflicting vehicle movement and allows vehicles to load and unload passengers without blocking traffic on the main drive aisle through the office complex.
2. The hours of use for the playing field and patio area behind the building addition shall be limited to school days from 9AM to 5PM and shall not include the use of amplification equipment.
3. The applicant satisfies Planning Commission concerns about water drainage on the subject property and that the City will seek input from Fairfax County regarding drainage.
4. The applicant continues to work to ensure the integrity and effectiveness of the buffer between the site and the residential community.
5. The applicant shall ensure that the following commitments are satisfied in a timely manner subject to review and approval by the Zoning Administrator:
 - a. The New School drainage engineer will return as soon as possible to discuss stormwater drainage details (with the residents of 3214 Prince William Drive).
 - b. Neighbors will be provided a construction superintendent's name and phone number prior to commencement of construction.
 - c. The architect will lower the building addition's roof peak by approximately three feet.
 - d. Storage of dirt, construction material and equipment will be located as far away from the rear property line as feasible.

- e. Nelly Stevens holly trees shall be planted at the rear wall of the “black box” area.
- f. The New School will pay for or contract to install a drainage system within the rear of the lot located at 3214 Prince William Drive. This system may be installed by a qualified contractor selected by residents of 3214 Prince William Drive through reasonable, competitive bid. This system will be installed before the commencement of clearing and grading activity for the New School’s proposed building addition, and the applicant shall ensure that the system is repaired in the event of damage resulting from construction activity for the New School’s proposed building addition.

(Councilmembers Lyon, Rasmussen and Silverthorne voted against the motion.)

- Approved, unanimously, the request of Sisters Adorers of the Holy Cross, Inc., for renewal of a special use permit to operate a day care center on the premises known as 10917 Marilta Court with the following conditions:
 - 1. The enrollment shall be limited to 60 children ages 2-1/2 through 12 years;
 - 2. Occupancy of the residence shall be limited to no more than six unrelated individuals;
 - 3. The permittee shall continue to maintain a valid state license for the day care operation;
 - 4. The applicant shall provide the City with copies of all inspection reports by state or other government agencies within two business days of receipt by the applicant;
 - 5. The Special Use Permit shall not be transferable to another owner; and
 - 6. The Special Use Permit shall be valid for five years.

(Councilman Silverthorne was absent.)

- Approved, unanimously, an appropriation resolution in the amount of \$31,176 for Federal Grant Expenditures. (Councilman Silverthorne was absent.)
- Approved, unanimously, an appropriation resolution in the amount of \$25,000 for weight room equipment at Fairfax High School. (Councilman Greenfield was absent.)
- Approved, unanimously, an ordinance amendment pertaining to bawdy places. (Councilman Greenfield was absent.)
- Approved, unanimously, an ordinance amendment pertaining to indecent exposure. (Councilman Greenfield was absent.)
- Approved, unanimously, an ordinance amendment pertaining to prostitution. (Councilman Greenfield was absent.)
- Approved, unanimously, an ordinance granting a Deed of Easement to Raj K. Kapoor to use a portion of the Old Lee Highway Right-of-Way for the installation of monitoring wells. (Councilman Greenfield was absent.)

Council Comments

- Requested staff to explore creating a Tax Stabilization Fund.

Cablecast Schedule

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| <i>April 27, 2004 live cablecast:</i> | <i>April 27, 2004, 7:00 p.m. (channel 12)</i> |
| <i>April 27, 2004 replay:</i> | <i>April 28 & 30, 10 a.m. and 7:00 p.m. (channel 12)</i> |
| | <i>April 29, 8:30 p.m. (channel 35)</i> |
| | <i>May 2, 10:00 a.m. (channel 35)</i> |